

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION

THIS DOCUMENT RELATES TO:

Tarrant County v. Purdue Pharma, L.P., et al. (No. 18-op-45274)

MDL No. 2804

Case No. 1:17-md-2804

Judge Dan Aaron Polster

**PLAINTIFF TARRANT COUNTY'S UNOPPOSED MOTION TO SEVER
DEFENDANTS PROCARE PHARMACY, L.L.C., OMNICARE, INC., OMNICARE
PHARMACY OF TX 1, L.P., AND OMNICARE DISTRIBUTION CENTER, L.L.C.**

Plaintiff Tarrant County hereby moves to sever Defendant ProCare Pharmacy, L.L.C. (“ProCare”) and Defendants Omnicare, Inc., Omnicare Pharmacy of TX 1, L.P., and Omnicare Distribution Center, L.L.C. (collectively, “Omnicare”) from the *Tarrant County* litigation track. ProCare and Omnicare do not oppose this Motion. In further support of this Motion, Tarrant County states as follows:

1. ProCare and Omnicare are defendants in *Tarrant County v. Purdue Pharma, L.P., et al.* (No. 18-op-45274) (“*Tarrant County*”).
2. During a status conference on April 7, 2021, the Court selected the *Tarrant County* as one of five new litigation tracks involving retail pharmacy defendants. (Dkt. No. 3685 at 1.) On May 19, 2021, Tarrant County filed an amended complaint that included ProCare and Omnicare as defendants. (Dkt. No. 3739.)
3. Severance of ProCare and Omnicare is appropriate. The claims against ProCare (which concern dispensing by a specialty pharmacy) and Omnicare (which concern distribution

to, and dispensing by, pharmacies serving residential facilities such as senior-living and rehabilitation facilities) involve different types of transactions than the claims against the retail pharmacy defendants (which concern distribution to, and dispensing by, retail pharmacies). Accordingly, there are factual and legal differences between the claims against ProCare and Omnicare, on the one hand, and the claims against retail pharmacy defendants, on the other hand. Accordingly, severance of ProCare and Omnicare from the *Tarrant County* litigation track would facilitate judicial economy by, among other things, reducing the number of factual and legal issues to be presented at trial.

WHEREFORE, Tarrant County respectfully requests that the Court grant this Motion and sever ProCare and Omnicare from the *Tarrant County* litigation track.

Date: August 27, 2021

Respectfully submitted,

THE LANIER LAW FIRM

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on August 27, 2021, the foregoing was filed using the Court's CM/ECF filing system and will be served via the Court's CM/ECF filing system on all attorneys of record.

/s/ W. Mark Lanier

W. Mark Lanier